

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.13090 of 2024

ORDER :

This criminal petition is filed by the petitioner/accused No.16 under Sections 480 and 483 of Bharatiya Nagarik Suraksha Sanhitha (for short 'BNSS') seeking regular bail in Crime No.170 of 2024 of Chennur P.S., Mancherial District, registered for the offences punishable under Sections 326(f), 49, 61(2) of Bharatiya Nyaya Sanhitha (for short 'BNS'), Section 3 of Prevention of Damage to the Public Property Act, 1984 (for short 'PDPP Act') and Sections 3 and 6 of the Explosive Substances Act, 1908.

2. Heard Sri. A.Praneeth, learned counsel appearing for petitioner and Mr. Syed Yasar Manoon, learned Additional Public Prosecutor appearing for the respondent-State and perused the record.

3. The case of the prosecution, in brief, is that on 17.09.2024, the Assistant Executive Engineer (Irrigation), Chennur, lodged a report stating that Shaniga Kunta Pond situated in Chennur had an ayacut of Acs.40.00 gts. and the weir body wall of pond was blasted for a length of 39 meters on 16.09.2024 by some unknown persons.

Basing on the said report, the Sub-Inspector of Police, Chennur P.S., registered the above-mentioned crime. Thereafter, Police arrested accused Nos.1 to 4 on 20.09.2024 and recorded their confession. Basing on their confession, accused Nos.5 and 6 were arrested and their confession was recorded, wherein, they have stated that the explosives used in blasting the pond were supplied to them by the present petitioner/accused No.16. Thereafter, the Police effected the arrest of the present petitioner/accused No.16 on 23.10.2024.

4. The learned counsel for the petitioner submitted that initially, accused Nos.5 and 6 did not indicate the name of the petitioner, however, after being taken into police custody, a second confession was recorded, wherein, they stated about the involvement of the present petitioner. The petitioner had no property on the upstream side of the Shaniga Kunta pond and they would derive no benefit by reducing the water level of the pond. There was no conceivable motive for the petitioner to abet the alleged crime. The allegations made against him were based on conjectures and surmises, with no independent investigation to corroborate the confessions. There were no eye witnesses to the alleged crime and no circumstantial evidence was brought on record to suggest the involvement of the petitioner. The sole allegation against the petitioner is that he allegedly sold the

explosives to blast the weir of a pond to reduce the water level, which allegedly led to flooding in upstream houses. The alleged involvement of the petitioner is purely based on the confession of accused Nos.5 and 6 which could not be treated as substantive evidence. He further submitted that the main accused persons i.e. A1 to A4 and A13 were enlarged on bail by the trial court on 29.10.2024 *vide* Crl.M.P. No.396 of 2024.

5. The learned Additional Public Prosecutor opposed grant of bail to the petitioner stating that the petitioner has supplied explosives and got blasted the weir body wall of pond, due to which, the villagers were now suffering with lack of water to their fields and for drinking purpose. Hence, the petitioner was not entitled for grant of bail.

6. Perused the record shows that petitioner is working as Supervisor with A15. The entire case of the prosecution was based upon the confession of accused Nos.1 to 6 and the only allegation against the petitioner is that he has supplied Gelatin sticks to A1 to A4 on instructions of A15. Further, A15 has agreed to supply the detonatory and Gelatin sticks to A1 to A4. Petitioner/A16 was working as Supervisor with A15. In view of the facts and circumstances of the case and as A1 to A14 were already released on bail, it is considered fit to enlarge the petitioner on regular bail.

7. Accordingly, this Criminal Petition is allowed and the petitioner/accused No.16 is granted regular bail subject to the following conditions:

- i) The petitioner/accused No.16 is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate of First Class, Chennur, Mancherial District.
- ii) The petitioner/accused No.16 shall abide by the conditions stipulated under Section 480 (3) of BNSS.

Miscellaneous applications, pending if any, shall stand closed.

K. SUJANA, J

Date: 12.11.2024
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